

D/L. 36.
13.06.2024.
MNS/MB

CRM (DB) 1569 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.05.2024 in connection with Chanchal Police Station Case No. 369 of 2011 dated 22.11.2011 under Sections 302 and 34 of the Indian Penal Code.

And

In the matter of: Saddam Hossain

.... Petitioner

Kazi Mokhlasur Rahman

... for the petitioner.

Ms. Subhamoye Bhattacharya,
Mr. Dattatreya Dutta

... for the State.

This is the fourth application for bail made by the petitioner. The first bail prayer was rejected on November 23, 2022 by an order passed in CRM (DB) 4098 of 2022. The second application was rejected by an order dated July 4, 2023 passed in CRM (DB) 2640 of 2023. Lastly, his prayer was rejected by an order dated February 2, 2024 passed in CRM (DB) 335 of 2024.

The petitioner says that he is in custody for about 708 days. There has been absolutely no progress as far as the trial is concerned. He should be enlarged on bail.

Learned Advocate for the State says that the petitioner was absconding for ten years. Two other accused persons are also absconding. Therefore, the trial could not proceed.

We find that the petitioner is the principal accused and there is sufficient incriminating materials against him.

We are not inclined to entertain the petitioner's prayer for bail, at this stage.

At the same time, we express our anguish at the trial court not taking any steps in the matter notwithstanding that the petitioner may have been absconding for ten years.

There is procedure prescribed by law as to what course of action should be adopted in such circumstances.

CRM (DB) 1569 of 2024 is, accordingly, dismissed at this stage.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)